IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 6030 of 2004(P)

PETITIONERS:

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1. J.R.CHRISPIN, S/O.JESSAYYAN,
   J.P.ENGINEERING WORKS PROPRIETOR,
   KRISHNAPURAM, CHAMBAYIL LANE, NEYYATTINKARA
   TALUK, RESIDING AT PRASAD BHAVAN,
   KANJIRAMKUZHI, UDIYANKULANGARA, CHENKAL VILLAGE,
   VATTAVILA.P.O.

2. JASMIN SUJA, W/O.J.R.CHRISPIN,
   PRASAD BHAVAN, KANJIRAMKUZHI DESSOM,
   CHENKAL VILLAGE, VATTAVILA.P.O.,
   NEYYATTINKARA TALUK.

BY ADV. SRI.B.S.SWATHY KUMAR

RESPONDENTS:

THE CATHOLIC SYRIAN BANK,
NEYYATTINKARA BRANCH, REPRESENTED
BY ITS MANAGER.

BY ADV. SRI.JIMMY JOHN VELLANIKARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC 6030/04)

PETITIONERS' EXTS.:

EXT.P1: TRUE COPY OF THE ORDER DATED 15.1.2004 IN E.A.50/04 IN E.P.55/01 IN O.S.NO.1081/99 OF THE COURT OF THE ADDITIONAL MUNSIFF-II, NEYYATTINKARA.

PIUS C. KURIAKOSE,J.

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W.P.(C) No.6030 of 2004

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Dated: 7th August, 2007

JUDGMENT

In this Writ Petition filed under Article 227 of the Constitution the judgment-debtors impugn Ext.P1 order directing delivery of their properties which were purchased by the respondent-decree-holder-Bank in an auction conducted by the court on the strength of the sale certificate already issued to the respondent-Bank. This court while admitting the Writ Petition granted stay of delivery on condition that the petitioners shall deposit a sum of Rs.25,000/- within a period of two weeks from 19.2.2004. The prayer in the Writ Petition is essentially one for grant of time for settling the liabilities. The respondent-Bank, I am sure, will be prepared to receive cash in full and final settlement of the petitioners' liability inclusive of the liabilities due on account of the decree debt as well as the charge expended for the conduct of the sale and for preparation of the sale certificate if tendered within a reasonable time. Under these circumstances, I dispose of the Writ Petition issuing the following directions:

The execution court will verify whether the petitioners have complied with the conditions imposed by this court that a sum of

Rs.25,000/- shall be deposited by the petitioners within two weeks from 19.2.2004. If on verification it is seen that the petitioners have deposited the amount within the time stipulated, the execution court will hold up delivery for further period of four months from the date of verification. It is open to the parties to sort out the issues between themselves in the meanwhile. The court below will also explore the possibility of settlement between the parties. At any rate, the order of stay will not continue beyond four months as indicated above since I do not find any infirmity about the impugned order warranting interference in the supervisory jurisdiction of this court under Article 227 of the Constition.

srd **PIUS C.KURIAKOSE, JUDGE**